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60-5140

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Honorable Joseph Campbell
The Comptroller General
of the United States
Washington 25, D. C.

Dear Mr. Campbell:

This Agency employs a number of highly trained specialists who use equipment in their work which requires either normal or corrected-to-normal vision. Many of these specialists require eyeglasses which they have in the past been able to wear while operating this special equipment. However, this Agency is replacing the equipment with new machinery of improved design which cannot be used effectively while the operator is wearing conventional eyeglasses.

The Agency has expended a great deal of time and money in the training of these specialists and has the desire neither to lose their services nor to impede their efficiency. It has been determined by a comprehensive study of the problem that these specialists requiring vision correctives could wear contact lenses successfully in operating the new equipment. It is believed proper that the Agency should purchase these lenses from appropriated funds.

The Agency's continuing replacement of its old equipment with the new, more efficient apparatus, capable of producing a finer quality of work, is creating new conditions which are making these seasoned employees, who were fully qualified when assigned originally to their specialized duties, increasingly unable to fulfill their assignments. To require these employees to purchase contact lenses would place an undue financial burden on them, since contact lenses are very costly in comparison with ordinary eyeglasses. Yet without such lenses these employees will soon become so ineffective as not to be able to continue in their specializations.

In short, since the operation of this new special equipment has become a necessary part of the duties of these experts which cannot be fulfilled while wearing ordinary eyeglasses, the Agency's mission in this special area can no longer be accomplished expeditiously and satisfactorily without fitting these employees with contact lenses. Therefore, it is felt that the Agency could justifiably purchase the lenses as an expense necessary to the efficient fulfillment of its mission.

E & P via Reading

It is my view that the special circumstances making contact lenses necessary in this case are unusual and do not describe a situation in which the employee can be expected to provide his own equipment as usual and necessary furnishings to enable him to perform the regular duties of the position for which he was engaged. Authority on this issue is found in 3 COMP GEN 433 (1924) and reaffirmed, in principle, in 32 COMP GEN 229 (1952):

In the absence of specific authority for the purchase of personal equipment, particularly wearing apparel thereof, the first question for consideration in connection with a proposed purchase of such equipment is whether the object for which the appropriation involved was made can be accomplished as expeditiously and satisfactorily from the Government's standpoint without such equipment. If it be determined that use of the equipment is necessary to the accomplishment of the purposes of the appropriation, the next question to be considered is whether the equipment is such as the employee reasonably could be required to furnish as part of the personal equipment necessary to enable him to perform the regular duties of the position to which he was appointed or for which his services were engaged. Unless the answer to both of these questions is in the negative, public funds cannot be used for the purchase. In determining the first of these questions, there is for consideration whether the Government or the employee receives the principal benefit resulting from use of the equipment, and whether an employee reasonably could be required to perform the service without the equipment. In connection with the second question, the points ordinarily involved are whether the equipment is to be used by the employee in connection with his regular duties or only in emergencies or at infrequent intervals and whether such equipment is assigned to an employee for individual use or is intended for and actually to be used by different employees.

In view of these facts, this Agency requests your opinion, first whether it can purchase from appropriated funds contact lenses for experts who are assigned to operating this special new equipment, and second, whether any new employees trained for this specialized work, may also be supplied with contact lenses at Government expense.

OGC:JBU:re

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Sincerely,

C. P. Cabell

C. P. Cabell
General, USAF
Acting Director

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ONE 60-07092

29 JUN 1980

MEMORANDUM FOR: Acting Director of Central Intelligence

60-5140/

SUBJECT: Contact Lenses for PIC Personnel

1. This memorandum contains a recommendation for action in paragraph 9 for the Acting Director of Central Intelligence.

2. Photographic Intelligence Center is utilizing, to an increasing extent, high magnification optical devices which cannot be operated effectively while the viewer is wearing ordinary eyeglasses. PIC has recommended, therefore, after study of the problem, that it be authorized to purchase contact lenses for certain personnel who are required to wear vision correctives to achieve normal vision and who operate these tubular optical devices in their work. The only alternative to contact lenses would entail the modification of all tubular optical systems requiring a very heavy money outlay and a considerable time loss for engineering and actual modifications.

3. At present there are approximately employees who would be fitted with contact lenses if approval is received. Such lenses cost approximately \$275 per pair for fitting and purchase.

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4. If approval is received, Medical Staff is of the opinion that it should retain a continuing control over each case in which such lenses are required. Medical Staff would conduct an initial examination to determine, where possible, whether the individual could wear contact lenses successfully. It would then refer employees it believed had excellent chances of successfully adapting to wearing contact lenses to local optometrists and ophthalmologists.

5. No restrictions would be placed on the employee's wearing the lenses while engaged in other than his official duties since such use would hasten his complete adaption to their continuous use.

6. There appeared to be a sufficient legal question for the Office of General Counsel informally to contact the General Accounting Office and seek its advice. Mr. John Moore of GAO stated, after some research, that he believed there was a reasonable chance the Comptroller General would approve the use of appropriated funds for this purpose. He recommended, therefore, that in advance of any purchase a formal opinion be sought from the Comptroller General as to its legality.

7. The attached letter has been prepared for the Acting Director's signature (as required by law) requesting such an opinion. In addressing the letter separately to the issues of those present employees requiring

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vision correctives and of future employees who might require such, this Office is following Mr. Moore's recommendation, based on the belief that, even if the Comptroller General were to hold in favor of expending appropriated funds for lenses for present employees, it is unlikely he would be able to extend this opinion to include future employees.

8. The problem has been stated in the letter to the Comptroller General in general terms in order to make the correspondence unclassified.

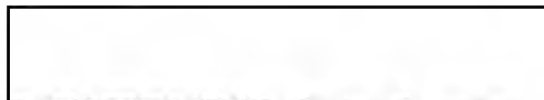
9. It is recommended that the Acting Director of Central Intelligence sign the attached letter to the Comptroller General.

s/ Lawrence R. Houston

LAWRENCE R. HOUSTON
General Counsel

Attachment

CONCURRENCES:



Photographic Intelligence Center

Date

Comptroller

Date

Signed

30 May 1966

Deputy Director (Support)

Date

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